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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
STULTZ, JESSICA T	
ART UNIT	**PAPER NUMBER**
2873	

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,244	BLUM ET AL.	
	Examiner	Art Unit	
	Jessica T Stultz	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,45-47,49 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,45-47,49 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *0204*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 9, 45, 47, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel et al in view of Gottschald.

Regarding claim 1, Michel et al discloses an optical lens system including a first optical lens having a first region and a perimeter region (Column 7, line 63-Column 8, line 2, wherein the goggles have an internal region including the central portion of the lens and the perimeter region the outer portion of the lens, Figure 7); an electro-active refractive matrix coupled to the first region of the optical lens (Abstract and Column 5, line 56-Column 7, line 62, wherein the goggles shown in Figures 1-6 have liquid crystals "17" dispersed in a polymer matrix "13" which are controlled by electrodes "15,16"), and having the lenses of the goggles fit within a frame (Column 8, lines 3-20), but does not specifically disclose that the perimeter region of the lens is removable to configure the optical lens for a specific frame. Gottschald teaches that the outer perimeter region of a lens can be edged, i.e. to remove the region by lathing, for the purpose of processing the edge of the lens so that it can fit within a specific frame (Column 1, lines 10-15, wherein lenses are edged to fit within a specific frame, and Column 2, lines 14-18, specifically wherein the lenses are edged by lathing). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the outer periphery of

the lens of Michel et al to be is removable from the optical lens to configure the optical lens for a specific frame since Gottschald teaches that the outer perimeter region of a lens can be edged, i.e. to remove the region by lathing, for the purpose of processing the edge of the lens so that it can fit within a specific frame.

Regarding claims 2-3, Michel et al and Gottschald disclose and teach of an optical lens system as shown above and it is further inherent that more than 60% of the perimeter region of the lens could be removed to configure the optical lens for a specific eyeglass frame, this being reasonably based upon the disclosure in Michel et al that the lens frame is altered for specific users (Column 8, lines 3-20, wherein the lens frame "60" is altered for specific users, Figures 8a-b).

Regarding claims 4 and 6, Michel et al and Gottschald disclose and teach of an optical lens system as shown above and Michel et al further discloses that the electro-active matrix includes a plurality of individual pixels and patterned electrodes (Column 6, lines 64-Column 7, line 25, wherein goggles comprises a plurality of pixels "14" and electrodes "35, 36" and "15, 16" in a matrix format, Figure 5).

Regarding claim 9, Michel et al and Gottschald disclose and teach of an optical lens system as shown above and Michel et al further discloses that including a second optical lens coupled to the first optical lens, the second optical lens covering at least a portion of the electro-active refractive matrix (Column 7, lines 35-62, wherein the second lens is layer "50", Figure 5).

Regarding claims 45 and 49, Michel et al discloses a method of making an optical lens having an electro-active refractive matrix (Abstract and Column 5, line 56-Column 7, line 62, wherein the goggles shown in Figures 1-6 have liquid crystals "17" dispersed in a polymer

matrix "13" which are controlled by electrodes "15,16") and an outer surface (Column 7, line 63-Column 8, line 2, wherein the goggles have an internal region including layers 10, 20, 30 and the perimeter region is frame "60", Figure 7), but does not disclose edging an outer layer of the lens system to configure the lens to fit within a specified eyeglass frame. Gottschald teaches that an ophthalmic lens can be made by edging the outer perimeter of the lens, by lathing, in order to process the edge of the lens (Abstract and Column 1, line 6 and Column 2, lines 40-57). Furthermore, lathing the edge of the lens will inherently "modify the shape of the lens system". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the outer periphery of the lens of Michel et al to be edged to configure the lens to fit within a specified eyeglass frame since Gottschald teaches that an ophthalmic lens can be made by having the outer perimeter of the lens edged by lathing in order to process the edge of the lens, which would inherently modify the shape of the lens system.

Regarding claims 47 and 50, Michel et al and Gottschald disclose and teach of the method of making an optical lens system as shown above and Michel et al further discloses that the electro-active matrix includes a plurality of individual pixels and patterned electrodes (Column 6, lines 64-Column 7, line 25, wherein the screen layer "10" comprises a plurality of pixels "14" and corresponding electrodes "35, 36" in a matrix format, Figure 5).

Claims 5, 7-8, 10-13, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel et al and Gottschald as applied to claims 1-4, 6, 9-13, 45, 47, and 49-50 above, and further in view of Piosenka et al.

Regarding claims 5, 7-8, and 10-13, Michel et al and Gottschald disclose and teach of the optical lens system and method of making an optical lens system as shown above, but do not

specifically disclose that the system includes electro-active refractive matrix coupled to the first region of the optical lens wherein the electro-active refractive matrix includes a diffractive element, a controller, including a power source, and a conductor bus positioned along the radius of the first optical lens coupling the perimeter region to the electro-active region, a range finder, and a power source coupled to a carrier. Piosenka et al teaches of an optical lens system (Abstract) including a first optical lens having a first region and a perimeter region (Column 4, lines 34-Column 5, line 9, wherein the first region is the electro-active pixel regions "51" and the rim on the surface is the perimeter region, Figures 9-10); an electro-active refractive matrix coupled to the first region of the optical lens (Column 4, lines 34-Column 5, line 9, wherein the lens "50" has pixel regions "51", Figures 9-10) wherein the electro-active refractive matrix includes patterned electrodes (Column 3, line 47-51, wherein the electrodes are "28", Figure 4), a diffractive element (Column 4, lines 34-63, wherein the pixel elements can be diffractive), a plurality of pixilated elements (Column 4, lines 48-50, wherein the pixels are "51", Figures 9-10), a controller (Column 5, lines 43-45, wherein the controller is "70", Figure 12), including a power source (Column 5, lines 10-22, wherein the frames have a power source), and a conductor bus positioned along the radius of the first optical lens coupling the perimeter region to the electro-active region (Column 4, line 34-Column 5, line 9, wherein the conductors are 52 and 53, Figure 10), a range finder (Column 5, line 57-Column 6, line 25), and a power source coupled to a carrier (Column 5, lines 10-22, wherein the frames have a power source) for the purpose of altering the refractive index of a lens and for auto-focusing of the optical apparatus. Therefore it would have been obvious for the optical lens system of Michel et al and Gottschald to further include the electro-active refractive matrix coupled to the first region of the optical lens wherein

the electro-active refractive matrix includes a diffractive element, a controller, including a power source, and a conductor bus positioned along the radius of the first optical lens coupling the perimeter region to the electro-active region, a range finder, and a power source coupled to a carrier since Piosenka et al teaches of an optical lens system including a first optical lens having a first region and a perimeter region; an electro-active refractive matrix coupled to the first region of the optical lens wherein the electro-active refractive matrix includes patterned electrodes, a diffractive element, a plurality of pixilated elements, a controller, including a power source, and a conductor bus positioned along the radius of the first optical lens coupling the perimeter region to the electro-active region, a range finder, and a power source coupled to a carrier for the purpose of altering the refractive index of a lens and for auto-focusing of the optical apparatus

Regarding claim 46, Michel et al and Gottschald disclose and teach of a method of making an optical lens system as shown above, but do not specifically disclose that the system includes coupling a conductor of the lens system to a conductor of the eyewear system. Piosenka et al teaches of a method of making an optical lens (Abstract) having an electro-active refractive matrix and an outer surface (Column 4, lines 34-Column 5, line 9, wherein the lens has electro-active pixel regions "51" and the rim on the surface is the outer region, Figures 9-10) including a conductor of the lens system connected to the eyewear frame conductor (Column 4, line 65, wherein the conductors are "52 and 53", Figures 9-10) for the purpose of providing an electrostatic field on the matrix and change the refractive index within the matrix (Column 4, lines 34-64). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method of making an optical lens system of Michel et al and

Gottschald to further include coupling a conductor of the lens system to a conductor of the eyewear system. Piosenka et al teaches of a method of making an optical lens having an electro-active refractive matrix and an outer surface including a conductor of the lens system connected to the eyewear frame conductor for the purpose of providing an electrostatic field on the matrix and change the refractive index within the matrix.

Response to Arguments

Applicant's arguments with respect to claims 1-13, 45-47, and 49-50 have been considered but are moot in view of the new ground(s) of rejection.

Examiner's Comments

For applicants information the terminal disclaimer and 1.132 affidavit filed February 12, 2004, regarding U.S. Patent 6,491,394 were considered. The previous double patenting and 102(e) rejections have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
April 20, 2004

JORDAN SCHWARTZ
PRIMARY EXAMINER